

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMRAM ELGRABLI,

Civil Action No.:

Plaintiff,

-against-

**COMPLAINT**

CREDIT COLLECTION SERVICES, INC.,

**DEMAND FOR JURY TRIAL**

Defendant(s).

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Plaintiff AMRAM ELGRABLI ("Plaintiff"), by and through his attorneys, Edward B. Geller, Esq., P.C., Of Counsel to M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant, CREDIT COLLECTION SERVICES, INC. (hereinafter referred to as "Defendant(s)"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff AMRAM ELGRABLI is a resident of the State of New York, residing at 5 Bluebird Road, Monsey, New York 10952.

3. Defendant CREDIT COLLECTION SERVICES, INC. is a Massachusetts corporation engaged in the business of debt collection with an office at 240 Commercial Street, Suite 3A, Boston, MA 02109.

4. Plaintiff is a "consumer" as the phrase is defined and used in the FDCPA under 15 USC §1692a(3).

5. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

**JURISDICTION AND VENUE**

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1337(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

**FACTUAL ALLEGATIONS**

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "7" herein with the same force and effect as if the same were set forth at length herein.

9. Upon information and belief, Defendant, on behalf of a third-party, began efforts to collect an alleged consumer debt from the Plaintiff.

10. Upon information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communications with the Plaintiff on or about October 1, 2015 by reporting an account attributed to Plaintiff to national credit bureaus.

11. Defendant reported said account on Plaintiff's credit report under the false name, "GEICO Indemnity Company" with a date of April 25, 2015.

12. A copy of Defendant's false listing on Plaintiff's Experian credit report is attached hereto as Exhibit "A."

13. After identifying Defendant by an internet search of Defendant's address, on October 5, 2015 Plaintiff sent to Defendant a letter requesting validation of the listing appearing on his credit report.

14. A copy of Plaintiff letter to Defendant is attached hereto as Exhibit "B."

15. Plaintiff waited several months for a reply or response from Defendant and when none was forthcoming, Plaintiff placed a telephone call to Defendant on or December 31, 2015.

16. Plaintiff's call was answered by a representative of Defendant whom, upon Plaintiff's inquiry, informed Plaintiff that Defendant's correct name was that in the instant complaint.

17. Plaintiff read aloud to Defendant's agent from his credit report the name "GEICO Indemnity Company."

18. Defendant's agent was unable to provide any information or explanation for Defendant's mis-identifying itself on Plaintiff's credit report.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

19. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "18" herein with the same force and effect as if the same were set forth at length herein.

20. 15 USC §1692 e – preface and e (10) prohibits the use of any false, deceptive or misleading representations in connection with the collection of a debt.

21. Defendant violated 15 USC §1692 e – preface and e (10) by taking an

unsupported and unexplained action of reporting an account under Plaintiff's name to national credit bureaus and identifying it's company to said credit bureaus as a false and fictitious name.

22. 15 USC §1692 e (14) prohibits a debt collector from the use of any business, company or organization name other than the true name of the debt collector's business, company or organization.

23. Defendant withholds Defendant's true business identity on national credit bureau listings in violation of 15 USC §1692 e (14) and uses a false and fictitious name which in no way resembles Defendant's true name.

24. 15 USC §1692 f – preface prohibits a debt collector from using any unfair or unconscionable means in connection with the collection of a debt.

25. The Defendant violated 15 USC §1692 f preface when it unfairly and unconscionably refused to respond to Plaintiff's letter of dispute requesting information and validation. Upon information and belief, Defendant has yet to acknowledge or honor Plaintiff's proper letter of dispute and requests (Exhibit "B"). Further, Defendant placed an account listing on Plaintiff's credit report identifying itself under another company name and when Defendant's representative was confronted with the false name, he unfairly and wrongfully claimed to know nothing about it.

26. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

27. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment from the Defendants as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1);
- B. For statutory damages provided and pursuant to 15 USC §1692(2)(A);
- C. For statutory damages provided and pursuant to 15 USC§1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC§1692(a) (3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs,

expenses and disbursements of this action, as this Court may deem just and proper.

Dated:      New York, New York  
                April 8, 2016

Respectfully submitted,

By:   
Edward B. Geller, Esq. (EG9763)  
Edward B. Geller, Esq., P.C., Of Counsel to  
M. HARVEY REPHEN & ASSOCIATES, P.C.  
15 Landing Way  
Bronx, New York 10464  
Phone: (914)473-6783

*Attorney for the Plaintiff AMRAM ELGRABLI*

To: Credit Collection Services  
The CCS Companies  
Two Wells Avenue  
Newton, MA 02459

*(Via Prescribed Service)*

Clerk,  
United States District Court, Southern District of New York

*(For Filing Purposes)*

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SOUTHERN DISTRICT OF NEW YORK

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## **COMPLAINT**

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